

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

IO-14 ACDA-19 SCA-01 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SPC-03

SS-20 NEA-10 TRSE-00 SAJ-01 DRC-01 /131 W

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O R 271155Z MAR 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 1356

INFO USMISSION BERLIN IMMEDIATE

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

BRUFHNA/USMISSION NATO BRUSSELS 2322

C O N F I D E N T I A L SECTION 01 OF 02 BONN 04866

E C O R R E C T E D C O P Y - ELIMINATING DUPED PARS 2.

E.O. 11652: GDS

TAGS: PGOV, WB, GE, GW, US, FR, UK

SUBJECT: BK/O AND BK/L ON PRIVILIGES AND IMMUNITIES FOR
GDR PERM REPS IN WEST BERLIN

REF: (A) BERLIN 492; (B) BONN 4196

1. AT MARCH 26 TRIPARTITE MEETING, TEXTS OF BK/O AND BK/L WERE AGREED AD REF FOR SUBMISSION TO CAPITALS (SUCH SUBMISSION PRIOR TO DISCUSSION WITH FRG AGREED AT INSISTENCE UK REP, WHO SAID HIS EMBASSY WAS ALREADY COMMITTED ON POINT TO FCO). BK/O WOULD BE PUBLIC DOCUMENT, DESIGNED TO MEET MINIMUM NEEDS OF GERMANS BY AUTHORIZING APPLICATION OF PROVISIONS OF FRG ORDINANCES ON PRIVILEGES AND IMMUNITIES BUT NOT TAKING OVER OF ORDINANCES PER SE. AT SAME TIME, ALLIED RESERVATIONS STATED AT TIME OF TAKING OVER OF FRG LAW ON PRIVILEGES
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AND IMMUNITIES IN BK/O(73)7 WOULD BE REAFFIRMED. ON

OTHER HAND, BK/L WOULD BE CONFIDENTIAL DOCUMENT WHICH WOULD CLEARLY SET OUT TO SENAT ALLIED POSITION AND EXPECTATIONS.

2. BEGIN TEXT BK/O:

SUBJECT: FEDERAL ORDINANCE ON THE GRANTING OF PRIVILEGES AND IMMUNITIES TO THE PERMANENT MISSION OF THE GDR.

REF: BK/O(73)7 OF 28 SEPTEMBER 1973

THE ALLIED KOMMANDATURA HAS NOTED THE PROMULGATION IN THE FRG OF THE ORDINANCE CITED ABOVE, AND, WITH REFERENCE TO PARAGRAPH 3 OF BK/O(73)7, ORDERS AS FOLLOWS:

(1) THE SENAT IS AUTHORISED TO APPLY THE PROVISIONS LAID DOWN IN THE ORDINANCE CITED ABOVE TO THE EXTENT NECESSARY TO AVOID ANY IMPEDIMENT TO THE DUE PERFORMANCE BY THE PERMANENT MISSION OF THE GDR OF ITS FUNCTIONS AS AGREED BETWEEN THE GOVERNMENTS OF THE FRG AND THE GDR .

(2) THE PROVISIONS OF THE PRESENT ORDER DO NOT DEPRIVE THE PROVISIONS OF BK/O(73)7 OF EFFECT.

THIS ORDER WILL BE TRANSMITTED TO THE GOVERNING MAYOR, BERLIN, FOR SUCH ACTION AS MAY BE NECESSARY IN RELATION TO IT, INCLUDING PUBLICATION IN ACCORDANCE WITH BK/O(64)4. END TEXT.

3. BEGIN TEXT BK/L:

(1) WHILE THE ALLIED KOMMANDATURA DOES NOT CONSIDER THAT THE PERMANENT MISSION OF THE GDR WHICH IS TO BE ESTABLISHED IN BONN IN ACCORDANCE WITH THE PROTOCOL OF 14 MARCH, 1974 HAS ANY OFFICIAL FUNCTIONS TO PERFORM IN

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INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 04866

THE WSB, IT HAS NEVERTHELESS TODAY ENACTED BK/O(74)...
IN ORDER TO PREVENT ANY IMPEDIMENT TO THE FUNCTIONING OF
THE MISSION AS AGREED BETWEEN THE GOVERNMENTS OF THE FRG
AND GDR. THE ALLIED KOMMANDATURA WISHES TO DRAW ATTEN-
TION TO THE FACT, HOWEVER, THAT IT HAS NOT THEREBY
RELINQUISHED ITS POWERS UNDER EXISTING LEGISLATION,
NOTABLY ITS POWERS TO DETERMINE PRIVILEGES AND IMMUNITIES
IN BERLIN AND ITS POWERS UNDER AK LAW NUM0ER 8. THE
ALLIED GOVERNMENTS ARE IN CONSULTATION WITH THE FEDERAL
GOVERNMENT OVER THE MEASURES WHICH MIGHT BECOME NECESSARY
IN THE EVENT THAT THE PERMANENT MISSION OF THE GDR OR ITS
MEMBERS SHOULD EXCEED THEIR PERMISSIBLE FUNCTIONS.

(2) YOU ARE REQUESTED TO ENSURE THAT BK/O(74)... IS
PUBLISHED IN THE GESETZ UND VERORDNUNGSBLATT AT THE
SAME TIME AS THE PROMULGATION OF THE FEDERAL ORDINANCE
REFERRED TO THEREIN. END TEXT.
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4. RE EXTENSION GAUS/NIER PROTOCOL TO BERLIN, FRG REPS
IN BONN GROUP HAVE TOLD ALLIES THEY SEE NO DIFFICULTY IN
EXTENDING PROTOCOL NOTE NO. 6 (REPRESENTATION OF WSB
INTERESTS BY FRG PERM REP) TO BERLIN, AND PRESENT ALLIED
THINKING IS THAT, UPON ISSUANCE BK/O AND BK/L, SENAT
WOULD BE ASKED BY AK TO SUBMIT THIS PROTOCOL NOTE FOR
EXTENSION. (NOTE: PACKAGE OF PROTOCOL, PROTOCOL NOTES,
AND CONFIDENTIAL PROTOCOL NOTES POUCHES TO ALL ADDRESSEES
ON MARCH 18.)

5. ACTION REQUESTED: DEPARTMENT'S APPROVAL DRAFT BK/O
AND BK/L AND COMMENTS ON PARA 4 ABOVE.
HILLENBRAND

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Message Attributes

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